

REMARKS

Favorable reconsideration is respectfully requested. Claims 1-23 are pending in the present application. By way of the present Amendment, claims 1-23 have been canceled, without prejudice, and claims 24-39 have been added. The added claims more particularly point out and distinctly claim the subject matter regarded as the invention by Applicants. In addition, the added claims are based on the previously claimed subject matter as discussed hereinafter. Claims 24 and 25 are based on claim 18. Claim 26 is based on claim 19. Claims 27 and 28 are based on claim 21. Claim 29 is based on claim 3. Claim 30 is based on claim 10. Claim 31 is based on claim 11. Claim 32 is based on claim 12. Claim 33 is based on claim 9. Claim 34 is based on claim 5. Claims 35 and 36 are based on claim 19. Claims 37 and 38 are based on claim 6 and claim 39 is based on claim 7.

The rejection of claim 17 under 35 U.S.C. Section 112, first paragraph and the rejection of claims 11, 13, 15, 22 and 23 under 35 U.S.C. Section 112, second paragraph have been rendered moot by the cancellation of these claims. It is respectfully submitted that the added claims, 24-39, comply with the requirements of Section 112.

The present invention is directed to stable aqueous foaming surfactant dispersions comprised of at least one isethionate foaming surfactant, at least one sulphosuccinate salt, and at least one fatty alcohol, as called for by claim 37, as well as to methods of making such dispersions. The present invention advantageously provides greater flexibility in the manufacturing processes for the dispersions, as the potential incompatibility of emollient/surfactant is significantly reduced, thus making it advantageously much easier to form so-called "2 in 1" products by way of the present invention.

There is no teaching or suggestion of such in the prior art, as discussed hereinafter.

Prior Art

Claims 1-23 were rejected under 35 U.S.C. Section 102(b) or 102(e) as being anticipated by or as being obvious under 35 U.S.C. Section 103(a) in view of U.S. Patent No. 5,543,074 ("Hague"), WO 94/17166, EP 0 485 212 A1, or U.S. Patent No. 5,248,495 ("Patterson"). The rejections are respectfully traversed. For the reasons discussed hereinafter, it is respectfully submitted that the claims of the present application are patentable over the prior art.

Hague is directed to a personal washing composition containing an acrylamide polymer, which is of no relevance to the present invention. The compositions described in Hague are made by conventional methods, i.e. by mixing the ingredients in water (see Examples). There is no disclosure or teaching in Hague of any preformed solid material containing surfactant and fatty amphiphile, and therefore obviously no suggestion of dispersing such a solid composition in water to form a stable aqueous foaming surfactant dispersion.

In addition, Hague does not disclose forming a pre-dispersion of a foaming surfactant and fatty amphiphile, followed by subsequent addition of an emollient, as called for by claims 24 and 26. Further, Hague does not disclose a composition comprising isethionate, sulphosuccinate and fatty alcohol, as called for by claim 37. The present invention is not concerned with forming a composition by standard methods at a particular temperature range, but with novel methods of forming a composition, the temperature range being one of the preferred features of the novel methods of the present invention.

The fact that the use of the solid surfactant compositions of the present invention advantageously results in easier formulation and greater flexibility in the manufacturing processes is clearly surprising, and reinforces the advantages of the present invention.

WO 94/17166 is directed to a personal cleansing product containing, inter alia, citric acid or salt thereof. WO 94/17166 only discloses conventional methods of forming the compositions.

EP-485212 is directed to detergent compositions and specifically states that "[T]he compositions of this invention can be prepared by simply mixing their constituents with water" (page 4, line 14).

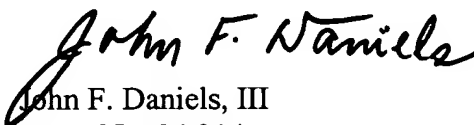
Patterson is directed to a post-foaming shaving gel composition. The compositions are formed by simple mixing of ingredients (see Examples).

The above comments in relation to Hague are equally applicable to WO94/17166, EP-485212, and Patterson, in that they all only disclose conventional methods of forming the compositions, i.e. there is no disclosure or teaching of a solid composition or of forming a pre-dispersion of a foaming surfactant and fatty amphiphile, followed by subsequent addition of an emollient, or of a composition comprising isethionate, sulphosuccinate and fatty alcohol, as called for by claims 24-39.

For the reasons discussed above, it is respectfully submitted that claims 24-39 are patentable over the prior art. The Examiner is kindly requested to reconsider and withdraw the rejections.

Favorable reconsideration and an early Notice of Allowance are therefore respectfully solicited.

Respectfully submitted,


John F. Daniels, III
Reg. No. 34,314
Attorney for Applicant(s)
(302) 887-3727

P&TCOR\jfd\50075amd.sam